

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MICHAEL HALL and JAMES HALL,

Plaintiffs,

v.

case no. 20-CV-1196 KG/JHR

ENSUREM II LLC and Jane Does 1-5,

**MOTION TO SET ASIDE STIPULATION AND DISMISS**

TO THE HONORABLE COURT:

Plaintiffs have made a good-faith request for concurrence of defense counsel for the relief sought by this motion so that a proposed Order could be submitted granting the relief sought herein, without necessity of further court-intervention.

The parties filed a Stipulation of Dismissal, Doc. 15, on 1/7/21. Plaintiffs' undersigned counsel inadvertently agreed to dismissal of the Jane Does 1-5 Defendants with prejudice. Dismissal of EnsureM II LLC should be with prejudice but dismissal of the Jane Does 1-5 Defendants should be without prejudice.

Jane Does 1-5 have not been served any process in this case and are not before the Court therefore their participation in the dismissal requested is not necessary.

Plaintiffs move the Court to enter its Order setting aside Doc. 15 and dismissing the above-entitled cause. Plaintiffs move the Court to dismiss the cause as to EnsureM II LLC with prejudice and dismiss the cause as to Jane Does 1-5 without prejudice. A proposed Order is an exhibit hereto.

RESPECTFULLY SUBMITTED,

By: /s/ Sid Childress

---

Sid Childress, Lawyer  
1925 Aspen Dr. #600A  
Santa Fe, NM 87505  
childresslaw@hotmail.com  
(505) 433 - 9823  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I caused this document and all Exhibits to be served in accordance with D.N.M.LR-CIV.  
5.1 by filing it through the Court's CM/ECF electronic filing system.

/s/ Sid Childress

---